

now be permitted to withhold from us the tardy and imperfect indemnification, which after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at nought the obligation it imposes, the United States will not be the only sufferers. The efforts of humanity and religion, to substitute the appeals of justice, and the arbitrament of reason, for the coercive measures usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.
WASHINGTON, January 15 1836.

No. 1.—Mr. Forsyth to Mr. Barton.
DEPARTMENT OF STATE,
Washington, June 28, 1835.
Thomas P. Barton Esq. &c. &c.

Sir: Mr. Livingston arrived here the day before yesterday. By the mail of yesterday your letter of the 7th May, with a copy of Mr. Livingston's last note to the Duke de Broglie was received.

After an attentive examination of Mr. Livingston's correspondence with this Department and the Government of France, elucidated by his verbal explanations, the President has directed me to say to you that the Messrs. de Rothschild have been authorized by the Treasury Department to receive the money due under the treaty with France. Of this authority they will be directed to give notice to the French Government, without demanding payment. For yourself, you will, if the bill of indemnity is rejected, follow Mr. Livingston to the United States. If the money is placed at the disposal of the King, conditionally, by the legislature of France, you will await further orders from the United States, but maintain a guarded silence on the subject of the indemnity. If approached by the Government of France directly or indirectly, you will hear what is said without reply, state what has occurred in full to the Department and await its instructions. It is the desire of the President that you will make not even a reference to the subject of the treaty in your intercourse with the French Government, until the course intended to be pursued is definitely explained to the United States. Whatever may be said to the Messrs. de Rothschild, it will be their duty to report to you as well as to the Treasury Department, and, whenever they converse with you, they must be reminded that it is expected that they will wait for express notice from the Government of France that it is ready to pay before an application for payment is made.

The course adopted by Mr. Livingston has been fully approved, and the hope is indulged, that his representations have had their just influence on the councils of the King of France. However that may be, the President's determination is, that the terms upon which the two Governments are to stand towards each other shall be regulated, so far as his constitutional power extends by France.

A packet from the Treasury addressed to the Messrs. de Rothschild, and containing the instructions of the Secretary, accompanied by a special power appointing them the agents of the United States to receive the payments due under the treaty of 1831, is forwarded herewith. The copy of a letter from this Department to Mr. Pageot is also enclosed for your perusal.

I am, sir your obedient servant,
JOHN FORSYTH.

No. 2.—Mr. Forsyth to Mr. Barton.
DEPARTMENT OF STATE,
Washington, Sept. 14, 1835.

Thomas P. Barton, Esq. &c. &c. &c.

Sir: So much time has elapsed before this despatch can reach you, since the passage of the law by the French Chambers placing at the disposition of the King the funds to fulfil the treaty with the United States, that it is presumed the intention of the French Government will have been by that period disclosed. It is proper, therefore, in the opinion of the President that you should receive your last instructions in relation to it. It has always been his intention that the Legation of the United States should leave France if the treaty were not fulfilled. You have been suffered to remain after the departure of Mr. Livingston, under the expectation that the Government of France would find in all that has occurred its obligation to proceed forthwith to the fulfilment of it as soon as funds were placed in its

hands. If this expectation is disappointed, you must ask for your passports, and return to the United States. If no movement has been made on the part of France, and no intimation given to you, or to the banker of the United States, who is the authorized agent of the Treasury, to receive the instalments due, of the time that payment will be made, you are instructed to call upon the Duke de Broglie, and request to be informed what are the intentions of the Government in relation to it, stating that you do so by orders of your Government, and with a view to regulate your conduct by the information you may receive from him. In the present agitated state of France, it is the particular desire of the President that your application should be made in the most conciliatory tone, and your interview with the Duke marked by expressions as coming from your Government, of great personal respect for that Minister, and of an anxious desire for the safety of the King of France. If the Duke should inform you that the money is to be paid on any fixed day, you will remain in France; otherwise you will apply for your passports, and state the reason to be that the treaty of indemnity has not been executed by France.

The President especially directs that you shall comply with these instructions so early, that the result may be known here before the meeting of Congress, which takes place on the 7th of December next.

I am, sir, your obedient servant,
JOHN FORSYTH.

No. 3.—Mr. Barton to the Duke de Broglie.

[TRANSLATION.]—D.
LEGATION OF THE U. S. OF AMERICA,
Paris, 24th October, 1835.

His Excellency the Duke de Broglie,
Minister of Foreign Affairs.

MONSIEUR LE DUC: Having executed to the letter the last instructions of my Government, in the interview which I had the honor to have with your excellency on the 20th of this month, in order further to comply with those instructions, I am about to return to the United States. Before leaving France, however, I have thought that it might not be altogether useless to address your excellency, and to submit to you the conversation which then took place between us, word for word as I understood it. In pursuing this course, I am prompted by a double motive; first, by a sincere desire to avoid even the slightest misunderstanding as to the precise meaning of any expression used on either part; and also with a view, in presenting myself to my Government, to furnish indisputable proof of my fidelity in executing the instructions with which I had the honor to be charged. This last motive, Monsieur le Duc, does not interest you personally, but the first, I am sure, will not appear without importance in your eyes.

Having said that I was instructed to employ both language and manner the most conciliatory, I begged you to believe, should any thing appear to you not to partake of that character, that the fault must be attributed to me alone, and not to my Government, as in that case I should be certain that I neither represented its dispositions nor faithfully obeyed its orders.

I began the conversation by informing you that I had requested an interview by order of my government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President on receiving the news and confirmation of the King's safety; and that I was further instructed by the Secretary of State to assure you personally of his high consideration. After an obliging answer of your excellency, I had the honor to submit the following questions:

"I am instructed by my Government to inquire of your excellency what are the intentions of His Majesty's Government in relation to the funds voted by the Chamber?"

And I understood you to make the following answer:

"Having written a despatch to His Majesty's Charge d'Affaires at Washington, with instructions to communicate it to Mr. Forsyth, and M. Pageot having read it to Mr. Forsyth, I have nothing to say addition to that despatch."

I said "I also instructed to inquire of your excellency whether His Majesty's Government is ready to pay those funds?"

And you returned this answer: "Yes in the terms of the despatch."

I added, "I am instructed to ask another question—Will His Majesty's Government name any fixed determinate period when they will be disposed to pay those funds?"

To this question, the following was your excellency's answer, as I understood it: "To-morrow if necessary; which the Government of the United States shall by a written official com-

munication, have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding was founded on an error, that it did not intend to call in question the good faith of His Majesty's Government; the funds are there, we are ready to pay. In the despatch to M. Pageot, we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that despatch, and having said that the Government of the United States could not receive a communication in such a form, I have nothing to add. I am forced to entrench myself behind that despatch. If the Government of the U. States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error, and the business will stop there."

To your excellency's offer to communicate to me the despatch to M. Pageot, I replied that, as my instructions had no reference to that question, I did not think myself authorized to discuss it.

After some minutes, I rose and said "In a short time I shall have the honor of writing to your excellency."

You answered, "I shall at all times, receive with pleasure any communication addressed to me on the part of the Government of the United States" and our conversation ended.

Such, Monsieur le Duc, as far as memory serves me, are the literal expressions employed by both of us. Should you discover any inaccuracies in the relation which I have the honor to submit to you, it will give me pleasure, as it will be my duty to correct them. If, on the contrary, this relation should appear to you in every respect conformable to the truth, I take the liberty of claiming from your kindness a confirmation of it for the reasons which I have already, I believe sufficiently explained.

I eagerly avail myself on this occasion Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be,

Your excellency's most obedient humble servant,
THOS. P. BARTON.

No. 4.—The Duke de Broglie to Mr. Barton.

[TRANSLATION.]—E.
Paris, October 26, 1835.

To Thomas P. Barton,
Charge d'Affaires of the U. S.

Sir: I have received the letter which you did me the honor to address to me on the 24th of this month.

You are desirous to give your Government a faithful account of the conversation which you had with me on the 20th; while communicating to me a statement of that conversation, you request me to indicate the involuntary errors which I may remark in it. I appreciate the motives which influence you, and the importance which you attach to the exactness of this statement; and I therefore hasten to point out three errors which have found their way into your report, acknowledging, at the same time, its perfect conformity on all other points with the explanations interchanged between us.

In reply to your question—Whether the King's Government would name any fixed and determined period at which it would be disposed to pay the twenty five millions? you make me say, "To-morrow, if necessary; when the Government of the U. States shall by a written official communication, have expressed its regret at the misunderstanding which has taken place between the two Governments; assuring us that this misunderstanding is founded on an error, that it did not intend to call in question the good faith of His Majesty's Government," &c. &c.

Now, this is what I really said:—"To-morrow, to day, immediately, if the Government of the United States is ready on its part to declare to us, by addressing its claim (reclamation) to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that it never entered into its intention (pensée) to call in question the good faith of the French Government, nor to take a menacing attitude towards France."

By the terms of your report, I am made to have continued thus: "In the despatch to M. Pageot, we gave the views of our government on this question. Mr. Forsyth, not having thought proper to accept a copy of that despatch, and having said that the Government of the United States could not receive the communication in that form," &c. That's not what I said, because such was not the language of Mr. Forsyth to M. Pageot. On refusing the copy offered to him by the Charge d'Affaires, Mr. Forsyth gave as the only reason, that it was a document of which he could make no use, and that was the phrase repeated by me.

Mr. Forsyth made no objection to the form which I had adopted to com-

municate to the Federal Government the views of the King's Government; in fact, not only is there nothing unusual in that form, not only is it employed in the intercourse between one Government and another, whenever there is a desire to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in direct controversy, but reflection on the circumstances & the respective positions of the two countries will clearly show that it was chosen precisely in a spirit of conciliation and regard for the Federal Government.

Finally, sir, after having said, "If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error," I did not add, "and the business will stop there." This last error is, however, of so little importance, that I hesitated to notice it.

Receive, sir, the assurance of my high consideration.

V. BROGLIE.

No. 5.—Mr. Barton to Duke de Broglie.

LEGATION OF THE U. S. OF AMERICA,
Paris, November 6, 1835.

MONSIEUR LE DUC: Having been recalled by my Government, I have the honor to request that your excellency will be pleased to cause passports to be prepared to enable me to proceed to Havre, thence to embark for the United States, and for my protection during the time I may find it necessary to remain in Paris. I am instructed to give as a reason for my departure the non execution on the part of His Majesty's Government, of the convention of July 4th 1831.

I avail myself of this opportunity, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be your excellency's most obedient humble servant.

THOS P. BARTON.
His Excellency the Duke de Broglie,
Minister of Foreign Affairs, &c.

No. 6.—The Duke de Broglie to Mr. Barton.

[TRANSLATION.]

To Mr. Barton, Charge d'Affaires
of the United States of America;
Paris, November 8th, 1835.

Sir: Having taken His Majesty's orders with regard to your communication of the 6th instant, I have the honor to send you herewith the passports which you requested of me. As to the reasons which you have been charged to advance, in explanation of your departure, I have nothing to say, (Je n'ai point à m'y arrêter.) The Government of the United States, sir, knows that upon itself depends hence forward the execution of the treaty of July 4th, 1831.

Accept, sir the assurance of my high consideration,

V. BROGLIE.

No. 7.—Mr. Forsyth to M. Pageot.

DEPARTMENT OF STATE,
Washington, June 29th, 1835.

M. PAGEOT, Charge d'Affaires &c. &c.

Sir: I have the honor to acquaint you, for the information of your Government, that the Secretary of the Treasury has, in conformity with the provisions of the act of Congress of the 13th July, 1832, designated the Messrs. de Rothschild, Brothers of Paris, as agents to receive the payments from time to time due to this Government under the stipulations of the convention of 4th July, 1831, between the United States and His Majesty the King of the French; and that the President has granted a special power to the said Messrs. de Rothschild, Brothers, authorizing and empowering them, upon the due receipt of the same, to give the necessary acquittances to the French Government, according to the provisions of the Convention referred to.

The power given to the Messrs. de Rothschild will be presented by them whenever the French Government is ready to make the payments.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

No. 8.—M. Pageot to Mr. Forsyth.

[TRANSLATION.]

WASHINGTON, June 29, 1835.

To the Hon. Mr. Forsyth,
Secretary of State.

Sir: I have received the letter which you did me the honor to address to me this day, and by which you communicate to me, for the information of my Government, that the Secretary of the Treasury in virtue of the act of Congress of July 13th, 1832, has appointed Messrs. de Rothschild, Brothers, at Paris, agents for receiving, as they become due, the several payments of the sum stipulated as indemnification, by the convention concluded on the 4th of July, 1831, between His Majesty the King of the French and the United States of America.

I lost no time, sir, in transmitting this communication to my Government; and I embrace this opportunity to offer you the assurance of the high consideration with which I have the honor to be, your most humble and obedient servant.

A. PAGEOT.

No. 9.—M. Pageot to Mr. Forsyth.

[TRANSLATION.]

WASHINGTON, Dec. 1, 1835.

To the Hon. JOHN FORSYTH,
Secretary of State of the United States:

Sir: On the 11th of September last I had the honor, as I was authorized to read

to you a despatch which His Excellency the Minister of Foreign Affairs had addressed to me on the 17th of June previous, respecting the state of the relations between France and the United States. The object of this communication was to make known to the Cabinet of Washington, in a form often employed, the point of view from which the King's Government regarded the difficulties between the two countries, and to indicate the means by which, in its opinion, they might be terminated in a manner honorable to both Governments. I was also authorized to allow you, in case you should desire it to take a copy of this despatch; but, contrary to the expectation which diplomatic usage in such cases permitted me to entertain, you thought proper to refuse to request it.

I regretted this resolution of yours, sir, at the time, because, in the first place, it appeared to be at variance with (s'écarter de) that conciliatory spirit which so particularly characterized the communication just made to you; and next, as it seemed in a manner to deprive the Cabinet of Washington of the means of knowing, in their full extent, the views of the King's Government, of which an attentive examination of the Duke de Broglie's letter could alone have enabled it to form a just estimate. These regrets, sir, have not diminished, and at the moment when the President is about to communicate to Congress the state of the relations between France and the United States, I consider it useful and necessary, for the interests of all, to endeavor to place him in possession of all the facts which may afford him the means of giving an exact account of the real dispositions and views of the King's Government on the subject of the existing difficulties.

With this intention, and from a desire to neglect nothing which, by offering to the American Government another opportunity of making itself acquainted minutely with the highly conciliatory sentiments of His Majesty's Government, may contribute to restore good understanding between the Cabinets of Paris and Washington, I have the honor to transmit to you a copy of the Duke de Broglie's despatch, and to request you to place it under the eye of the President.

I embrace this opportunity, sir, to renew to you the assurance of the high consideration with which I have the honor, &c.

A. PAGEOT.

No. 10.—Mr. Forsyth to M. Pageot.

DEPARTMENT OF STATE,
Washington Dec. 3, 1835.

Sir: I had yesterday the honor to receive your note of the 1st instant, with the accompanying paper, purporting to be a copy of a letter, addressed, under date of the 17th of June last, by His Excellency the Duke de Broglie, Minister of Foreign Affairs of France to yourself.

After referring to what occurred in our interview of the 11th of September, in regard to the original letter, and expressing your regrets at the course I then felt it my duty to take, you request me to place the copy enclosed in your letter under the eye of the President.

In allowing you, during that interview to read to me the Duke de Broglie's despatch, which I cheerfully did, you were enabled to avail yourself of that informal mode of apprising this Department of the views of your Government in the full extent authorized by diplomatic usage. The question whether or not I should ask a copy of that despatch, was of course, left as it should have been by your Government, exclusively to my discretion. My reasons for not making that request were frankly stated to you, founded on a conviction that, in the existing state of the relations between the two countries, the President would think it most proper that every communication upon the subject in difference between them, designed to influence his conduct, should, before it was submitted to his consideration, be made to assume the official form belonging to a direct communication from one Government to another, by which alone he could be enabled to cause a suitable reply to be given to it, and to submit it should such a step become necessary, to his associates in the Government. I had also the honor, at the same time, to assure you, that any direct communication from yourself, as the representatives of the King's Government, to me embracing the contents of this despatch, or any other matter you might be authorized to communicate in the accustomed mode would be laid without delay before the President, and would undoubtedly receive from him an early and just consideration.

It cannot have escaped your reflections that my duty required that the circumstances of the interview between us should be reported to the President, and that the discovery of any error on my part in representing his views of the course proper to be pursued on that occasion would without fail, have been promptly communicated to you. That duty was performed. The substance of our interview, and the reasons by which my course in it had been guided, were immediately communicated to, and entirely approved by, him. I could not therefore, have anticipated that, after so long a period had elapsed, and with out any change in the condition of affairs, you should have regarded it as useful or proper to revive the subject at the time and in the form you have seen fit to adopt. Cordially reciprocating, however, the conciliatory sentiments expressed in your note, and in deference to your request, I have again consulted the President on the

subject, and am instructed to inform you that the opinion expressed by me in the interview between us, and subsequently confirmed by him, remains unchanged; and I therefore respectfully restore to you the copy of the Duke de Broglie's letter, as I cannot make the use of it which you desired.

I am also instructed to say that the President entertains a decided conviction that a departure, in the present case, from the ordinary and accustomed method of international communication is calculated to increase, rather than to diminish, the difficulties unhappily existing between France and the United States, and that its observance in their future intercourse will be most likely to bring about the amicable adjustment of those difficulties on terms honorable to both parties. Such a result is sincerely desired by him; and he will omit nothing consistent with the faithful discharge of his duties to the United States, by which it may be promoted. In this spirit I am directed by him to repeat to you the assurance made in our interview in September last, that any official communication you may think proper to address to this Government, will promptly receive such consideration as may be due to its contents, and to the interests involved in the subject to which it may refer.

As the enclosed paper is not considered the subject of reply, you will allow me to add, for the purpose of preventing any misconception in this respect, that my silence in regard to its contents is not to be construed as admitting the accuracy of any of the statements or reasonings contained in it.

I have the honor to renew, &c.

JOHN FORSYTH.

No. 11.—M. Pageot to Mr. Forsyth.

[TRANSLATION.]

To the Hon. JOHN FORSYTH,
Secretary of State of the U. S.

Washington, Dec. 5, 1835.

Sir: I yesterday evening received the letter which you did me the honor to write to me on the 3d of this month with it, your return to me the copy of a despatch which I had transmitted to you two days before, and the original of which was addressed to me on the 17th of June last, by His Excellency the Minister of Foreign Affairs.

I will not seek, sir, to disguise from you the astonishment important in the present state of the relations between the two countries; neither will I undertake to reply to the reasons on which this determination of yours is based. My intention in communicating this document to you, in a form not only sanctioned by the diplomatic usages of all nations and all ages, but also the most direct which I could possibly have chosen, was to make known the real dispositions of my Government to the President of the United States, and through him to Congress and the American People; conceiving that the existing situation of the two countries, it was essential that each Government should fully comprehend the intentions of the other. This consideration appeared to me paramount to all others. You have judged otherwise, sir; and you have thought that, whatever might be the importance of a communication, it was proper, before receiving it, to examine whether the form in which it came to you were strictly accordant with the usages necessary, in your opinion, to be observed in diplomatic transactions with the Government of the Republic. I will not insist farther. I have fulfilled all the duties which appeared to be prescribed for me, by the spirit of reconciliation in conjunction with the respect due by me to all communications from my Government; and nothing more remains for me, than to express my deep regret that the misunderstanding between two Governments already so serious, should be kept up, not by weighty difficulties which involve the interests and the dignity of the two countries, but by questions of form, as uncertain in their principle as doubtful in their application.

I have the honor, sir, to renew to you the assurances of my high consideration.

A. PAGEOT.

No. 12.—M. Pageot to Mr. Forsyth.

[TRANSLATION.]

Washington, Jan. 2 1836.

To the Hon. Mr. JOHN FORSYTH,
Secretary of State:

Sir: I have the honor to announce to you that, in consequence of the recall of Mr. Barton, the King's Government has given me orders to lay down the character of Charge d'Affaires of His Majesty near the Government of the United States. I shall therefore immediately begin the preparations for my return to France but in the mean time, I think proper to claim the protection of the Federal Government during the period which I may consider it necessary to remain in the United States.

I have the honor to be, with the most distinguished consideration, sir,